

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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MARK LAFFEY, PHILIP LAFFEY, U.S. 1 LAFFEY REAL
ESTATE CORP. d/b/a LAFFEY FINE HOMES, LAFFEY
ASSOCIATES, LLC., eREALTY TITLE AGENCY CORP.,
TCG GROUP, INC., 55 NORTHERN BLVD., LLC, US 1
LAFFEY REAL ESTATE OF BROOKVILLE, INC., US 1
LAFFEY REAL ESTATE OF NEW HYDE PARK, INC.,
and GREENVALE COLONIAL HOUSE, LLC,

Index No.: 13-CV-0519
(JB)(ARL)

Plaintiffs

ANSWER

-against-

EMMET LAFFEY, GREGORY BERKOWITZ, JOHN
SCHOONMAKER, SCOTT CONLON,

the "Ringleader Defendants",

and

KAREN BERKOWITZ LAFFEY, DEE DEE BRIX, MARIA
BABAEV, NATALIE McCRAY, REGINA ROGERS, JOE
PIMENTA, JIMMY TUBBS, SONNY DeCLARA, LISA
CERRETA, CARA BUSTO, IRINA PASHINSKY, DORA
ZELYAKOVSKY, PETER MORRIS, CHRISTOPHER
HEIN, ELAINE LUP, JOHN DOE No. 1, JOHN DOE No. 2,
And JOHNDOE No. 3,

the "Conspiring Individual Defendants",

and

QUONTIC BANK, THE ROSLYN SAVINGS BANKS, A
DIVISION OF NEW YORK COMMUNITY BANK,
GREATER JERICHO CORP., MULTIPLE LISTING
SERVICE OF LONG ISLAND, INC., WHERE TO LIVE.COM
INC., LINCOLN LAND SERVICES, LLC, and SIGNATURE
PROPERTIES OF HUNTINGTON, LLC a/k/a SIGNATURE
PREMIER PROPERTIES,

the "Conspiring Corporate Defendants".
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REGINA ROGERS by her attorneys, LIEB AT LAW, P.C., submits the following as and for her Answer to the Complaint of Plaintiff herein:

1. REGINA ROGERS admits each and every allegation contained in the paragraph notated as “61” of the Complaint.
2. REGINA ROGERS denies having knowledge and information sufficient to form a belief as to each and every allegation contained in the following paragraphs notated in the Complaint: “1 – 4”; “8 – 17”; “23 – 60”; “63 – 137”; “139 – 157”; “160 – 179”; “181”; “183 – 227”; “230 – 421”; “443 – 452”; “455 – 459”; “461 – 478”.
3. REGINA ROGERS denies each and every allegation contained in the follow paragraphs notated in the Complaint: “5 – 7”; “18 – 22”; “62”; “138”; “158 – 159”; “180”; “182”; “228 – 229”; “422 – 426”; “427 – 433”; “434 – 439”; “440 – 442”; “453 – 454”; “460”.

FIRST AFFIRMATIVE DEFENSE

4. REGINA ROGERS repeats, reiterates, and realleges each and every allegation or denial contained in paragraphs “1” through “3” above, as if fully set forth herein.
5. Upon information and belief, Plaintiffs’ Complaint fails to state a claim upon which relief can be granted. Fed. R. Civ. P. 12(b)(6).

SECOND AFFIRMATIVE DEFENSE

6. REGINA ROGERS repeats, reiterates, and realleges each and every allegation or denial contained in paragraphs “1” through “5” above, as if fully set forth herein.

7. Upon information and belief, Plaintiffs have failed to join a necessary party. Fed. R. Civ. P. 12(b)(7).

THIRD AFFIRMATIVE DEFENSE

8. REGINA ROGERS repeats, reiterates, and realleges each and every allegation or denial contained in paragraphs "1" through "7" above, as if fully set forth herein.
9. Upon information and belief, Plaintiffs lack standing to commence this action against REGINA ROGERS. Fed. R. Civ. P. 17.

FOURTH AFFIRMATIVE DEFENSE

10. REGINA ROGERS repeats, reiterates, and realleges each and every allegation or denial contained in paragraphs "1" through "9" above, as if fully set forth herein.
11. Upon information and belief, any purported losses sustained by Plaintiffs were due to Plaintiffs' own culpable actions.

FIFTH AFFIRMATIVE DEFENSE

12. REGINA ROGERS repeats, reiterates, and realleges each and every allegation or denial contained in paragraphs "1" through "11" above, as if fully set forth herein.
13. Upon information and belief, any alleged wrongful acts alleged by Plaintiffs were the result of duress. Fed. R. Civ. P. 8(c)(1).

SIXTH AFFIRMATIVE DEFENSE

14. REGINA ROGERS repeats, reiterates, and realleges each and every allegation or denial contained in paragraphs "1" through "13" above, as if fully set forth herein.
15. Upon information and belief, any claims made by Plaintiffs are barred by the doctrine of equitable estoppel. Fed. R. Civ. P. 8(c)(1).

SEVENTH AFFIRMATIVE DEFENSE

16. REGINA ROGERS repeats, reiterates, and realleges each and every allegation or denial contained in paragraphs "1" through "15" above, as if fully set forth herein.
17. Upon information and belief, any purported losses sustained by Plaintiffs were due to Plaintiffs' failure to mitigate damages.

EIGHTH AFFIRMATIVE DEFENSE

18. REGINA ROGERS repeats, reiterates, and realleges each and every allegation or denial contained in paragraphs "1" through "17" above, as if fully set forth herein.
19. Upon information and belief, Plaintiffs' claims are barred, in whole or in part, by the principles of waiver and/or estoppel. Fed. R. Civ. P. 8(c)(1).

NINTH AFFIRMATIVE DEFENSE

20. REGINA ROGERS repeats, reiterates, and realleges each and every allegation or denial contained in paragraphs "1" through "19" above, as if fully set forth herein.
21. Upon information and belief, Plaintiffs' claims are barred, in whole or in part, by the doctrine of laches. Fed. R. Civ. P. 8(c)(1).

TENTH AFFIRMATIVE DEFENSE

22. REGINA ROGERS repeats, reiterates, and realleges each and every allegation or denial contained in paragraphs "1" through "21" above, as if fully set forth herein.
23. Upon information and belief, Plaintiffs' claims are barred by the statute of limitations. Fed. R. Civ. P. 8(c)(1).

ELEVENTH AFFIRMATIVE DEFENSE

24. REGINA ROGERS repeats, reiterates, and realleges each and every allegation or denial contained in paragraphs "1" through "23" above, as if fully set forth herein.
25. Upon information and belief, Plaintiffs' claims are barred by the doctrine of Res Judicata. Fed. R. Civ. P. 8(c)(1).

TWELFTH AFFIRMATIVE DEFENSE

26. REGINA ROGERS repeats, reiterates, and realleges each and every allegation or denial contained in paragraphs "1" through "25" above, as if fully set forth herein.
27. Upon information and belief, REGINA ROGERS is entitled to judgment as a matter of law as one (1) or more of the defenses set forth herein are founded upon documentary evidence.

THIRTEENTH AFFIRMATIVE DEFENSE

28. REGINA ROGERS repeats, reiterates, and realleges each and every allegation or denial contained in paragraphs "1" through "27" above, as if fully set forth herein.
29. Upon information and belief, Plaintiffs' claims are barred, in whole or in part, by the doctrines of accord and satisfaction, payment, or release.

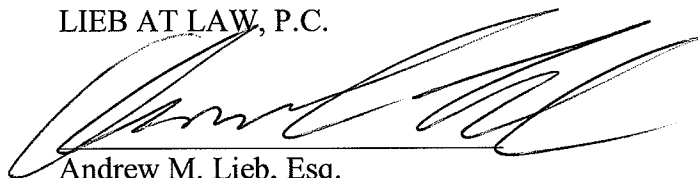
AS AND FOR A FIRST COUNTERCLAIM AGAINST PLAINTIFFS

30. REGINA ROGERS repeats, reiterates, and realleges each and every allegation or denial contained in paragraphs "1" through "29" above, as if fully set forth herein.
31. Upon information and belief, Plaintiffs commenced a frivolous lawsuit against REGINA ROGERS, and as a result, REGINA ROGERS has been damaged in an amount to be determined at an inquest before this Court, including the reasonable costs, disbursements, and attorneys' fees of defending this action.
32. Due to Plaintiffs' frivolous lawsuit, REGINA ROGERS is entitled to sanctions pursuant to Fed. R. Civ. P. 11.

WHEREFORE, REGINA ROGERS demands judgment dismissing the Complaint, judgment in favor of REGINA ROGERS for reasonable attorneys' fees, costs, disbursements, and sanctions of this action on the first counterclaim, together with such other and further relief as this Court deems just, proper, and equitable.

Dated: Center Moriches, New York
March 19, 2013

LIEB AT LAW, P.C.



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